

**REMARKS**

In the Office Action dated June 2, 2009, the Examiner rejected claims 26-32, 34, 35, 38, 43, and 70 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 23, 24, 32, 34, 38, 44, 52, 54, 57 and 59 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,885,083 to Banks ("*Banks*"); rejected claims 43 and 60 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over *Banks*; rejected claims 26-30, 31, 46-50, 51, 70, and 71 under 35 U.S.C. § 103(a) as being unpatentable over *Banks*; rejected claims 35 and 55 under 35 U.S.C. § 103(a) as being unpatentable over *Banks* and U.S. Patent No. 1,932,117 to O'Brien et al. ("*O'Brien*"); rejected claims 37 and 72 under 35 U.S.C. § 103(a) as being unpatentable over *Banks*, U.S. Patent No. 6,776,907 to Barlow et al. ("*Barlow*"), and U.S. Patent No. 3,730,348 to Weis et al. ("*Weis*"); and rejected claim 58 under 35 U.S.C. § 103(a) as being unpatentable over *Banks* in view of U.S. Patent No. 5,545,318 to Richmond ("*Richmond*").

By this amendment, Applicant has amended claims 23, 24, 26-32, 34, 35, 37, 38, 43, 44, 70, and 72. Accordingly, claims 23, 24, 26-32, 34, 35, 37, 38, 43, 44, 46-52, 54, 55, and 57-72 are currently pending (claims 61-69 having been withdrawn). No new matter is presented by this Reply.

**Section 112 Rejection**

The Examiner rejected claims 26-32, 34, 35, 38, 43, and 70 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner contends that "first and second filter" lacks antecedent basis. Applicant has amended claims 26-32, 34, 35, 38,

43, and 70 to depend from claim 24. Accordingly, the rejection is moot and Applicant requests that it be withdrawn.

**Section 102 and 103 Rejections**

Claims 23, 24, 32, 34, 38, 44, 52, 54, 57 and 59 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Banks*. Applicant submits that *Banks* does not disclose each and every element of claims 23 and 44 as amended.

*Banks* is directed to a single chamber filter vessel. Specifically, *Banks* discloses:

a vessel 10 defining a chamber 12 of cylindrical cross section closed at the top by a cover plate 14 and provided at the bottom with a conical discharge chamber 16. There is a first grid 18 spaced downwardly from the top, defining at the top a discharge chamber 20 and a second grid 22 spaced upwardly from the bottom of the discharge chamber 16, defining a settling chamber 17. The space between the grids define a filter chamber 21 . . . . A bed 24 of filter media is disposed between the grids comprised of buoyant articles sized to collect the solids effectively. The grid bars are spaced so as not to allow passage of the filter media therebetween.

(Col. 2, lines 19-34.) *Banks* discloses “means for delivering backwash fluid into the dispersed filter media to strip the solids therefrom and drive the solids to the bottom and means at the bottom for drawing off the fluids and solids from the bottom.” (Col. 1, lines 46-50.) In other words, the device of *Banks* includes a non-soluble filter media in order to filter solids from a fluid. Accordingly, *Banks* does not disclose “a dissolvable particulate material . . . and a filter arranged at the outlet, said filter configured to permit passage of the liquid comprising the dissolved particulate material through the filter, but to prevent passage of undissolved quantities of the dissolvable particulate material through the filter,” as recited in amended independent claim 23. Similarly, *Banks* does

not disclose “a dissolvable particulate material . . . and a filter arranged at the inlet and configured to permit passage of the liquid through the filter, but to prevent passage of undissolved quantities of the dissolvable particulate material through the filter,” as recited in amended independent claim 44. Accordingly, *Banks* does not disclose each and every element of claims 23 and 44.

For at least these reasons, amended independent claims 23 and 44 are allowable over *Banks* and the § 102(b) rejection of independent claims 23 and 44 should be withdrawn. Additionally, claims 24, 32, 34, 38, 52, 54, 57 and 59 are allowable over *Banks* due at least to their dependence from one of amended independent claims 23 or 44 and due to their additional recitations of patentable subject matter. Applicant requests that the Examiner withdraw the § 102(b) rejection of dependent claims 24, 32, 34, 38, 52, 54, 57 and 59 as well.

Claims 43 and 60 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over *Banks*. Applicant respectfully disagrees at least because *Banks* does not disclose or suggest every element of the claims.

The Examiner contends that “[t]he process of making the filter of *Banks* is deemed a structural alternative to the process of injection molding.” (Office Action at 6.) Even assuming the Examiner is correct, which Applicant does not concede, *Banks* still fails to disclose or suggest “a dissolvable particulate material . . . and a filter arranged at the outlet, said filter configured to permit passage of the liquid comprising the dissolved particulate material through the filter, but to prevent passage of undissolved quantities of the dissolvable particulate material through the filter,” as recited in amended

independent claim 23 or “a dissolvable particulate material . . . and a filter arranged at the inlet and configured to permit passage of the liquid comprising the dissolved particulate material through the filter, but to prevent passage of undissolved quantities of the dissolvable particulate material through the filter,” as recited in amended independent claim 44, from which claims 43 and 60 depend, respectively. For at least these reasons, claims 43 and 60 are allowable over *Banks* and the § 103(a) rejection of independent claims 43 and 60 should be withdrawn.

The Examiner rejected claims 26-30, 31, 46-50, 51, 70, and 71 under 35 U.S.C. § 103(a) as being unpatentable over *Banks*. The Examiner argues that “[t]he only difference between the prior art and the claimed invention is a recitation of relative dimension.” (Office Action at 6.) The Examiner also argues that “[m]aking parts of filters out of polymer material is very well known in the art . . . and would have been obvious to one of ordinary skill in the art at the time of invention.” (Office Action at 7.) Even assuming the Examiner is correct, which Applicant does not concede, *Banks* still fails to disclose or suggest “a dissolvable particulate material . . . and a filter arranged at the outlet, said filter configured to permit passage of the liquid comprising the dissolved particulate material through the filter, but to prevent passage of undissolved quantities of the dissolvable particulate material through the filter,” as recited in amended independent claim 23 or “a dissolvable particulate material . . . and a filter arranged at the inlet and configured to permit passage of the liquid comprising the dissolved particulate material through the filter, but to prevent passage of undissolved quantities of the dissolvable particulate material through the filter,” as recited in amended independent claim 44. Accordingly, claims 26-30, 31, 46-50, 51, 70, and 71, are

allowable at least due to their dependence from one of claims 23 and 44 and their recitations of additional patentable subject matter.

Claims 35 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Banks* and *O'Brien*. The Examiner relies on *O'Brien* for its alleged disclosure of “a filter (14) including at least one slit shaped opening having a first extension wherein the first extension extends towards a center point of the filter element (fig. 4).” (Office Action at 7.) *O'Brien*, however, does not remedy the deficiencies of *Banks* discussed above. Accordingly, claims 35 and 55, are allowable at least due to their dependence from claims 23 and 44, respectively, and their recitations of additional patentable subject matter.

The Examiner rejected claims 37 and 72 under 35 U.S.C. § 103(a) as being unpatentable over *Banks*, *Barlow*, and *Weis*. Applicant requests that the Examiner withdraw the rejection of claims 37 and 72 at least because *Banks*, *Barlow*, and *Weis* do not disclose or suggest every element of the claims.

As discussed above, *Banks* discloses “means for delivering backwash fluid into the dispersed filter media to strip the solids therefrom and drive the solids to the bottom and means at the bottom for drawing off the fluids and solids from the bottom.” (Col. 1, lines 46-50.) Thus, *Banks* discloses a non-soluble filter media configured to filter solids from a fluid. *Banks*, however, does not disclose “a dissolvable particulate material . . . and at least a second filter arranged at the inlet and configured to permit passage of the liquid through the second filter, but to prevent passage of undissolved quantities of the dissolvable particulate material through the second filter,” as recited in independent claim 72. In fact, modifying *Banks* to include “a dissolvable particulate material” would

render the device of *Banks* unsuitable for its intended purpose. For example, a dissolvable material would be entirely unsuitable for use as a filtering media since the filtering media itself would dissolve and thus not perform its filtering function.

The Examiner relies on *Barlow* and *Weis* for their alleged disclosure of, for example, "a filter (Barlow, (38); Weis, (40)) including at least one slit shaped opening . . . wherein the slit shaped opening extends through the filter element of the second filter (Barlow, fig. 1, 3, 4; Weis, fig. 1, 2 4, 5)." (Office Action at 8-9.) *Barlow* and *Weis*, however, do not remedy the deficiencies of *Banks* discussed above.

For at least these reasons, amended independent claim 72 is allowable over *Banks* and the § 103(a) rejection of independent claim 72 should be withdrawn. Additionally, claim 37 is allowable over *Banks*, *Barlow*, and *Weis* due at least to its dependence from amended independent claim 44 and due to its additional recitations of patentable subject matter.

Claim 58 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Banks* in view of *Richmond*. The Examiner relies on *Richmond* for its alleged disclosure of a plurality of ridges. (Office Action at 9.) *Richmond*, however, does not remedy the deficiencies of *Banks* discussed above. Accordingly, claim 58 is allowable at least due to its dependence from claim 23 and its recitations of additional patentable subject matter.

### **Conclusion**

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's

reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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